



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

July 8, 2021

**SENT BY ELECTRONIC MAIL – CONFIRM RECEIPT REQUESTED**

mruley@alliedbioscience.com  
lkalesnik@alliedbioscience.com; and

Mike Ruley  
Chief Executive Officer  
7800 Dallas Parkway, Suite 650  
Plano, Texas 75024

Laura Marie Kalesnik  
Chief Legal Officer and General Counsel  
7800 Dallas Parkway, Suite 650  
Plano, Texas 75024

Re: Stop Sale, Use or Removal Order  
Federal Insecticide, Fungicide, and Rodenticide Act  
In the Matter of Allied BioScience, Inc.; EPA Docket No. FIFRA-06-2021-0325

Dear Messrs. Ruley and Kalesnik:

Enclosed is a Stop Sale, Use, or Removal Order (SSURO or “the Order”) issued by the U.S. Environmental Protection Agency, Region 6, (EPA or “the Agency”) to Allied BioScience, Inc. (Allied BioScience) concerning SurfaceWise 2 (“the Product”). The SSURO directs Allied BioScience, Inc., to immediately cease the sale, use or removal of the Product, unless written permission is provided by the EPA, *and is effective immediately upon receipt*.

Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a), authorizes the EPA to issue an order prohibiting the sale, use or removal of any pesticide by a person who owns, controls, or has custody of such pesticide whenever there is reason to believe on the basis of inspection or tests that the pesticide is in violation of any provision of FIFRA or has been or is intended to be distributed or sold in violation of FIFRA.

The EPA has reason to believe, based on inspections and documentation received from Allied BioScience, that Allied BioScience distributed or sold the Product to locations and use sites inconsistent with the terms and conditions of the public health exemptions issued for the Product under Section 18 of FIFRA, 7 U.S.C. § 136p, and the Product’s label. These distributions or sales of the Product are unlawful distributions or sales of an unregistered pesticide in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

The EPA also has reason to believe, based on inspections of labeling with false or misleading statements that accompanied the Product when it was distributed or sold, that Allied BioScience has been unlawfully distributing or selling a misbranded pesticide in violation of section 12(a)(1)(E), 7 U.S.C. §

136j(a)(1)(E).

EPA also notes that many of these false or misleading statements also appear on the websites, [www.alliedbioscience.com](http://www.alliedbioscience.com) and [www.surfacewise.com](http://www.surfacewise.com), and that the presence of those statements may also result in the Product being considered a misbranded pesticide whose distribution or sale is unlawful under FIFRA.

Addressing noncompliance with environmental laws is important in carrying out the EPA's mission to protect human health and the environment. At the same time, the EPA acknowledges that the COVID-pandemic may impact Allied BioScience, Inc. If that is the case, please contact us regarding any specific issues you need to discuss.

The issuance of this Order shall not act as a waiver by EPA of any enforcement or other authority available to EPA under federal law, including EPA's authority to seek civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the violations alleged in this Order or any other violation.

Thank you for your attention to this matter. If you have any questions, please contact Lawrence Pittman, at [pittman.lawrence@epa.gov](mailto:pittman.lawrence@epa.gov) or (214) 665-8381, or Blake Sieminski, of my staff, at [sieminski.blake@epa.gov](mailto:sieminski.blake@epa.gov) or (214) 665-8062.

Sincerely,

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Attachment: Stop, Sale, Use or Removal Order